

REMARKS

Claims 1-33 and 37-53 are rejected under the judicially created doctrine of double patenting over US 6,344,476.

Applicants respectfully disagree. In order for one of ordinary skill in the art to arrive at the claimed invention, that artisan would have to select halogen for the R² group on a thienyl or furyl group standing for B of the reference. As the Examiner knows, a mere overlap in the broadest disclosure is seldom adequate for a proper obviousness rejection. Nothing in the claims points an artisan toward the selection of a halogen for the R² group. Dependent claim 7 directs an artisan to the selection of -COOR¹ or CH₂NHR⁹ for R², e.g., away from halogen. Claims 12-16 name more than a column worth of compounds as species of the generic claim. Not a single compound is named that has a halogen for the R² group on a thienyl or furyl group for B. One of ordinary skill in the art with the guidance of compounds that do not have a halogen as R², and in view of a dependent claim pointing away from halogen as R², would not be motivated to pick halogen for said R² group from the options listed in the joint definition with R³ given in the general formula. Thus, the claimed invention is not obvious; and thus, also not obvious under obviousness type double patenting.

Additionally applicants point the Patent Office's attention to numerous claims in applicants' application that do not have a halogen in the corresponding position of the reference's R², e.g., these claims do not overlap the reference's broadest claims at all. See, for example, claims 5-16, 22-27, 37-41, 44-46, 48, 52, 53 and new claims 54-57. New claims 54-57 either specify that R^b is hydrogen or have groups for R¹ that are not heteroaryl groups. Additionally, there are many claims in the present application where even the corresponding group to the reference's group B is different than that claimed by the reference, such as, for example, claims 4, 46, 48, 50 and 51 where B is a bridged cyclic group. Applicants request that the PTO carry its burden and specifically allege with respect to each claim the point of overlap and the rationale for the obviousness rejection, in case any rejections are maintained.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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